



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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COMMISSION PROPOSES TO FINE YOUNG BROADCASTING OF SAN FRANCISCO, INC., STATUTORY MAXIMUM FOR APPARENT VIOLATION OF INDECENCY RULES

Washington, D.C. – Today, the Federal Communications Commission issued a Notice of Apparent Liability for Forfeiture against Young Broadcasting of San Francisco, Inc. for apparently willfully broadcasting indecent material during a “KRON 4 Morning News” show on October 4, 2002 at approximately 8:25 a.m. The Commission proposed the statutory maximum amount of \$27,500.

The Commission based its action on a broadcast in which the show’s hosts interviewed performers with the stage production of “Puppetry of the Penis,” who appeared in capes but were otherwise naked beneath their capes. During the course of the interview, one of the performers exposed his penis on camera. The Commission concluded that, although the broadcast of this material was fleeting in that it occurred for less than a second, it was graphic and explicit, and the manner in which the station presented the material demonstrated that it was intended to pander to, titillate and shock viewers. The Commission also concluded that the station failed to take adequate precautions to ensure that no actionably indecent material was broadcast despite its awareness that the interview involved performers who appear nude to manipulate their genitalia. Under these circumstances, the Commission concluded that the airing of indecent material during the interview was clearly foreseeable.

The Commission proposed the statutory maximum forfeiture amount based on the extremely graphic and pandering nature of the material and the licensee’s culpability in failing to take adequate precautions to prevent the broadcast of indecent material.

Action by the Commission: January 23, 2004 Notice of Apparent Liability for Forfeiture (FCC 04-16).

Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein. Chairman Powell and Commissioners Copps, Martin and Adelstein issuing separate statements.

Enforcement Bureau Contacts: Suzanne Tetreault or Lisa Fowlkes (202) 418-7450.

**SEPARATE STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

*Re: Young Broadcasting of San Francisco, Inc., Licensee, Station KRON-TV, San Francisco,
Notice of Apparent Liability for Forfeiture*

Today, we open another front in our increased efforts to curb indecency on our nation's airwaves by focusing on indecency on television. I believe it is irresponsible of our country's programmers and broadcasters to continue to try and push the envelope in the face of Commission policies aimed at balancing the needs to protect our children with the interests of the First Amendment. Where, as here, we believe that a broadcast crosses that line, we will continue to enforce our indecency rules with vigor.

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

*Re: Young Broadcasting of San Francisco, Inc., Licensee, Station KRON-TV, San Francisco,
Notice of Apparent Liability for Forfeiture (“NAL”)*

I am pleased that this Commission is finally taking an initial step against indecency on television. That being said, I am disappointed that this complaint was filed over 15 months ago and we are just now addressing it. When we allow complaints to languish for over a year, the message is loud and clear that the FCC is not serious about enforcing our nation’s laws. Meanwhile, numerous other complaints about indecency on television remain unaddressed. I hope we will take up those complaints expeditiously. The time has come for this Commission to take a firm stand against the “race to the bottom” on the public’s airwaves.

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

*Re: Young Broadcasting of San Francisco, Inc., Licensee, Station KRON-TV, San Francisco,
Notice of Apparent Liability for Forfeiture*

I support the strong action the Commission is taking today to enforce our indecency regulations. While hard to believe, this appears to be only the second time the Commission has ever found a television broadcast to be indecent. I hope that this step today represents the beginning of a commitment to consider each indecency complaint seriously, and to recognize that indecency on our airwaves is not limited to the radio.

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

*Re: Young Broadcasting of San Francisco, Inc., Licensee, Station KRON-TV,
San Francisco, Notice of Apparent Liability for Forfeiture*

I strongly support the action we take today to combat indecency on broadcast television. The Commission has a duty to enforce statutory and regulatory provisions restricting broadcast indecency. The material broadcast in this case clearly warrants the statutory maximum \$27,500 fine. I hope that today's action will continue to remind broadcasters of their responsibility to serve the public interest and protect children from indecency on the airwaves. Today's action continues a series of measures indicating that the Commission is stepping up its enforcement against indecency on the airwaves.